

and "Reduce to Normal," booklets entitled "Min-E-Vita versus Obesity" and "Heliös Formula Min-E-Vita a Valued Agent," and a letter addressed to the consignee of one of the shipments, were false and misleading. The statements represented and suggested that the article would be efficacious in the treatment of borderline anemia, cancer, graying of the hair, wrinkles, colds, hay fever, asthma, pimples, acne, eczema, hyperacidity, acidosis, arthritis, general debility, dysmenorrhea, insomnia, nervous disorders, waning sexual vigor, brittle nails, diabetes, high blood pressure, kidney disorders, heart disease, degenerative conditions, digestive disorders, and sick headache; that the article would insure bouyant health, intensive vitality, and a good complexion; that it would reduce weight to normal, maintain a positive nutritional balance, build resistance to disease, and prevent premature old age; and that the article, by reason of its content of potassium, aluminum, sodium, magnesium, and manganese, was of dietary significance. The article would not be efficacious for the purposes represented, and it had no dietary significance by reason of its content of potassium, aluminum, sodium, magnesium, and manganese.

Further misbranding, Section 403(j), the article purported to be and was represented for special dietary uses by man by reason of its vitamin properties in respect to vitamin A, vitamin B₁, vitamin C, vitamin D, vitamin B₂, vitamin E, and calcium pantothenate, and by reason of its mineral properties in respect to calcium, phosphorus, iron, and iodine; and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements for vitamin A, vitamin B₁, vitamin C, vitamin D, vitamin B₂, calcium, phosphorus, iron, and iodine, which would be supplied by the article when consumed in a specified quantity during a period of one day; and, further, the label failed also to bear, as required by the regulations, a statement that the need for vitamin E and calcium pantothenate in human nutrition has not been established.

Further misbranding Section 403 (a), (portion of the article) the label statement "Each Capsule Contains Not Less Than: Vitamin B₁—333 U. S. P. Units Vitamin C —600 U. S. P. Units" was false and misleading since one shipment of the article contained, per capsule, smaller amounts of vitamins B₁ and C than declared.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices No. 3055.

DISPOSITION: March 22, 1950. Pleas of guilty having been entered, the court imposed a fine of \$250 against the defendants jointly.

16195. Adulteration and misbranding of vitamin B complex tablets. U. S. v. Elmer J. Dailey (Dailey Laboratories). Plea of not guilty. Tried to the jury. Verdict of guilty. Fine, \$1,000. Sentence of 4 months' imprisonment suspended and defendant placed on probation for 5 years. (F. D. C. No. 27504. Sample No. 40717-K.)

INFORMATION FILED: October 13, 1949, Southern District of California, against Elmer J. Dailey, trading as Dailey Laboratories, San Diego, Calif.

ALLEGED VIOLATION: On or about April 1, 1946, the defendant gave to a firm engaged in the business of shipping food in interstate commerce, at San Diego, Calif., a guaranty to the effect that all products shipped and delivered to the holder of the guaranty would be neither adulterated nor misbranded under the law. On or about April 1, 1949, while the guaranty was in effect, the

defendant delivered to the holder of the guaranty, at San Diego, Calif., a quantity of vitamin B complex tablets that were adulterated and misbranded. LABEL, IN PART: "P Y A Products' Natural Vitamin B Complex. In organic base 9 tablets daily will supply MDR Vitamin B₁ 3.0 mg. 300% Vitamin B₂ 6.0 mg. 300%."

NATURE OF CHARGE: Adulteration, Section 402(b) (1), valuable constituents of the article, vitamin B₁ and vitamin B₂, had been in part omitted and abstracted since 9 tablets of the article would not provide 3 milligrams of vitamin B₁ and 6 milligrams of vitamin B₂ as represented, but would provide smaller amounts of these constituents.

Misbranding, Section 403(a), the label statement "9 tablets * * * supply * * * Vitamin B₁ 3.0 mg. * * * Vitamin B₂ 6.0 mg." was false and misleading.

DISPOSITION: A plea of not guilty having been entered, the case came on for trial before the jury on April 18, 1950. At the conclusion of the trial on April 19, 1950, the jury returned a verdict of guilty. On April 24, 1950, the court imposed a fine of \$1,000 against the defendant and sentenced him to serve 4 months in prison. The execution of the prison sentence was suspended, and the defendant was placed on probation for a period of 5 years.

16196. Adulteration of vitamin capsules and vitamin tablets. U. S. v. 2 Cartons. etc. (F. D. C. No. 28453. Sample Nos. 31652-K to 31661-K, incl., 31663-K to 31666-K, incl., 31668-K, 31670-K, 31672-K to 31677-K, incl.)

LABEL FILED: December 6, 1949, Southern District of California.

ALLEGED SHIPMENT: In August 1944, from Salt Lake City, Utah.

PRODUCT: 41,750 vitamin capsules and vitamin tablets at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin A, vitamin B₁, vitamin C, and vitamin D, had been in part omitted or abstracted from the vitamin capsules and the vitamin tablets. The products were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 28, 1949. Default decree of condemnation and destruction.

16197. Adulteration and misbranding of Neo-Mineral. U. S. v. 132 Bottles * * *. (F. D. C. No. 28894. Sample No. 71292-K.)

LABEL FILED: March 16, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about October 24, 1949, by the Trojanol Products Co., Detroit, Mich.

PRODUCT: 132 3-fluid-ounce bottles of Neo-Mineral at Pasadena, Calif.

LABEL, IN PART: "Neo-Mineral * * * Two Teaspoonfuls Of This Mineral Extract Will Supply Twice The Minimum Daily Adult Iron (Fe) Requirement. Minimum Daily Adult Requirement, 10 MGM."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, iron, had been in part omitted from the product.

Misbranding, Section 403 (a), the label statement "Two Teaspoonfuls Of This Mineral Extract Will Supply Twice The Minimum Daily Adult Iron (Fe) Requirement" was false and misleading since the article contained not more than 12.2 milligrams of iron per two teaspoonfuls.

DISPOSITION: April 19, 1950. Default decree of condemnation and destruction.